

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**FRANCISCO FRANCO,**

**Plaintiff,**

**v.**

**CIV No. 13-714 LH/GBW**

**THE BOARD OF COUNTY COMMISSIONERS  
FOR THE COUNTY OF ROOSEVELT, in its  
official capacity, CHARLENE WEBB, in her  
individual and official capacities, DAVID  
CASANOVA, in his individual and official  
capacities, and TAMARA PEEL, in her  
individual and official capacities,**

**Defendants.**

**ORDER**

**THIS MATTER** comes before the Court on Plaintiff's motion to allow supplementation of his response brief to Defendants' motion for summary judgment (ECF No. 28).<sup>1</sup> Specifically, Plaintiff seeks to supplement the court record with a Roosevelt County District Court "Order from Status Conference," entered by that state court on November 22, 2013.<sup>2</sup> If allowed into the record, this order would become Plaintiff's Exhibit 7 in the immediate litigation. Plaintiff contends that this order is relevant and germane to the issue as to when he was discharged from all probation.

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<sup>1</sup> The full title of this motion is: "Plaintiff's Motion to Allow Supplementation of His Response and Memorandum in Opposition to "Motion for Summary Judgment Based on Absolute Immunity and Qualified Immunity" Pursuant to Fed.R.Civ.Proc.56(d)."

<sup>2</sup> This was in the case of *State of New Mexico v. Francisco Franco*, Roosevelt County Cause No. D-911-CR-2010-206.

Defendants do not object to this Court's consideration of this state court document, although they contend that it is irrelevant to any material issue related to the immunity defenses that they have raised, and note that they address the circumstances of the creation of this document in their opposition to Plaintiff's Cross Motion for Summary Judgment.

Given the lack of objection, the Court hereby **grants** Plaintiff's motion to allow supplementation. Plaintiff's Exhibit 7, attached to Plaintiff's motion, is properly part of the record proper, and will be considered by the Court.

**IT IS SO ORDERED.**

  
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**SENIOR UNITED STATES DISTRICT JUDGE**